

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DATE FILED: 10/1/10

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

TERESA LARA BENAVIDEZ, MARIA DE LOURDES
GALVEZ, JAMIE HUERTA, FLORA ZURITA,
MARIA DE LOURDES VASCONEZ ALARCON,
LABRARMY GARCIA, and ESTEBAN NADER, on
behalf of themselves and all others similarly situated,

Plaintiffs,

-against-

PLAZA MEXICO, INC., PIRAMIDES MAYAS INC.,
MAMA MEXICO MIDTOWN REALTY LLC,
SHADDAI INC., MAMA MEXICO ENGLEWOOD
REALTY LLC, JUAN ROJAS CAMPOS, and LAURA
CHAVEZ,

Defendants.

GUILLERMO PAEZ, EMILIANO ESPINOZA, and
PEDRO NASARIO, on behalf of themselves and all
others similarly situated,

Plaintiffs,

-against-

PLAZA MEXICO, INC., PIRAMIDES MAYAS INC.,
MAMA MEXICO MIDTOWN REALTY LLC,
SHADDAI INC., MAMA MEXICO ENGLEWOOD
REALTY LLC, JUAN ROJAS CAMPOS and LAURA
CHAVEZ,

Defendants.

09 CIV 5076 (AKH)(THK)

Plaintiffs move under Rule 21 of
the Federal Rules of Civil Procedure
to sever defendant Plaza Mexico, Inc.,
which filed for bankruptcy in December
2009. The motion, being unopposed,
is granted.

Plaintiffs have 20 days to
amend their complaints, without
prejudice to reinstating Plaza Mexico
as a named defendant, depending on
the outcome of the bankruptcy court
proceedings.

The Clerk shall mark the motion

09 CIV 9574 (AKH)(THK)

(Dkt. No. 09 Civ. 5076, Doc. # 64;
Dkt. No. 09 Civ. 9574, Doc. # 21)

terminated.

So ordered.


Oct. 1, 2010

NOTICE OF MOTION IN SUPPORT OF PLAINTIFFS' MOTION TO SEVER
DEFENDANT PLAZA MEXICO, INC. PURSUANT TO FED. R. CIV. P. 21.

For the reasons set forth in Plaintiffs' Memorandum of Law in Support of Motion to
Sever Defendant Plaza Mexico, Inc. Pursuant to Fed. R. Civ. P. 21 (the "Motion to Sever") and
the Declaration of Rachel Bien in Support of the Motion to Sever, Plaintiffs respectfully request
that the Court enter an Order:

1. Severing the claims against Plaza Mexico, Inc. pending the outcome of the bankruptcy proceeding pursuant to Rule 21 of the Federal Rules of Civil Procedure;
2. Granting Plaintiffs leave to file the proposed amended complaints against the Non-Debtor Defendants without prejudice to reinstatement of Plaza Mexico, Inc. as a defendant pending the outcome of the bankruptcy proceeding; and
3. Granting such other, further, or different relief as the Court deems just and proper.

* * *

Plaintiffs have contemporaneously submitted a Proposed Order, attached hereto as **Exhibit A**, for the Court's convenience.

Dated: August 6, 2010
New York, New York

Respectfully submitted,
OUTTEN & GOLDEN LLP
By:

/s/ Rachel Bien
Rachel Bien

Justin M. Swartz
Rachel Bien
Juno Turner
3 Park Avenue, 29th Floor
New York, New York 10016
Telephone: (212) 245-1000

FITAPELLI & SCHAFFER, LLP
Joseph A. Fitapelli
Brian S. Schaffer
1250 Broadway, Suite 3701
New York, New York 10001
Telephone: (212) 300-0375

**Attorneys for Plaintiffs and the Putative
Class and Collective**